IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

NOTICE OF MOTION NO.1028 OF 2003
IN
APPEAL (LODGING) NO. 135 OF 2004
IN
SUIT NO. 1260 OF 1983

Hansraj Sukhari Shah Appellants

vs.

M/s.Veetrag Builders Pvt.Ltd. & ors. Respondents

Mr.S.P. Pandey for the appellants.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 23rd September 2004

P.C.

Nobody appears for the respondents to oppose the notice of motion.

2. For the reasons stated in the affidavit in support of the notice of motion, we are satisfied that the appellant was prevented by sufficient cause in filing the appeal in time.

3. The notice of motion is, accordingly, granted in terms of prayer (a). Prayer (a) reads thus:

> "(a) that delay of 55 days in filing the present appeal be condoned."

4. Office is directed to process the appeal and post it for admission as soon as the same is numbered.

5. Notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)